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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,136	09/27/1999	VADIM SHTEYNBERG	99RE036	2345

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EXAMINER

TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
3729	28

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CS

Office Action Summary

Application No.

09/407,136

Applicant(s)

SHTEYNBERG ET AL.

Examiner

A. Dexter Tugbang

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,21-26,29 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,21,23-26,29 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicants' amendment filed on 1/5/04 (Paper No. 26) has been fully considered and made of record.

Claim Objections

2. Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 22 depends from previously cancelled Claim 4. Furthermore, Claim 22 was withdrawn from consideration as detailed in the Office Action dated 12/16/02, Paper No. 23. Claim 22 has not been further treated on its merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2, 21, 23-26 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In Claim 2, the phrase of “winding wires on the bobbins of plurality of segments” (line 10) is new matter. The specification and drawings, as originally filed, does not provide support for winding a single continuous length of wire on each segment and then, winding another set of “wires on the bobbins” of each segment. The specification (lines 3-8 of page 11) discloses a single winding operation with one single wire for each segment, or one single continuous wire for all of the segments, not multiple winding operations with each segment having more than one wire.

The same problem above also occurs in Claim 23 with the recitation of “winding wire on the bobbins of plurality of segments” (lines 12-13).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 2, 21, 23-26 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 2, it unclear from the disclosure what is meant by the phrase of “winding wires on the bobbins of plurality of segments” (line 10). Furthermore, the limitations of “maintaining the wire of each segment on the bobbin on which the wire was wound” (lines 15-16) are confusing, misleading and renders the claim as being vague and indefinite. It is unclear which previous recitation the limitation of “maintaining the wire” is referring to, such as the “single continuous length of wire” (lines 4-5) or “winding wires” (line 10).

In Claim 23, the same problems in Claim 2 above also occur in Claim 23 with the limitations of “winding wire on the bobbins” (lines 12-13) and “maintaining...was wound” (lines 28-29).

NOTE: No art rejections have been applied to Claims 2, 21, 23-26 and 29, since there are a great deal of confusion and uncertainty as to the proper interpretation of the limitations of claims. Therefore, it would not be proper to reject such claims on the basis of prior art. See MPEP 2173.06.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Takehara 6,163,952.

Takehara discloses a method of winding segments of an electromechanical device comprising: arranging a plurality of stator segments in a side-by-side orientation along an axis of rotation with each stator segment comprising a respective, separate bobbin (see Fig. 7A); and winding a wire dispensed from a wire dispenser (see Fig. 10) permanently onto the bobbin of each of the segments with respect to the axis of rotation such that the segments are in series.

Art Unit: 3729

Regarding Claim(s) 35, Takehara shows (in Fig. 8) a number of phases of the electromechanical device with the number of stator segments (shown in anyone of Figs. 7A, 11A or 12A) being read as "N sets of M segments". Takehara further shows combining the N sets of M segments into a common circular arrangement while maintaining the wire of each segment on the bobbin (see anyone of Figs. 7C, 11D or 12C).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takehara in view of JP'119.

Takehara discloses the claimed manufacturing method as relied upon above. Takehara does not mention a relative rotation in that the wire dispenser remains stationary and the segments rotate.

JP'119 shows a relative rotation in that a winding can occur with the segments 2 rotating and the wire dispenser 3 remaining stationary to form multiple segments of windings having the advantages of not decreasing the magnetic characteristics (see Purpose).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Takehara by including the relative rotation of JP'119, to positively form multiple winding segments without decreasing the magnetic characteristics.

Art Unit: 3729

Response to Arguments

11. Applicant's arguments with respect to Claims 2, 21, 23-26, 29 and 34-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3729

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Dexter Tugbang
Primary Examiner
Art Unit 3729

June 1, 2004